



His Worship Mayor Gordon Van Tighem
City of Yellowknife
BOX 580
YELLOWKNIFE NT X1A 2N4

Dear Mayor Van Tighem:

**JOINT DETERMINATION MADE PURSUANT TO S.98 OF THE
MACKENZIE VALLEY RESOURCE MANAGEMENT ACT – CITY OF YELLOWKNIFE**

This letter is to advise you that we have made a joint determination of the extent to which the City of Yellowknife (City) regulates land use within its local government boundaries, as required under s.98 of the *Mackenzie Valley Resource Management Act* (MVRMA).

The determination is attached, and as required under s.98(3) of the MVRMA, it “shall be made available to the public at the main office of the Board and that of the local government”. The Board will be posting the determination in plain view of the public at its main office in Yellowknife and will also post it on the Board’s public website.

The Board (as represented by the Chair of the Mackenzie Valley Land and Water Board) and the territorial Minister (as represented by the Minister of Municipal and Community Affairs), in consultation with the City, have determined that:

- 1) The Board regulates the use of land within the boundaries of the City to the full extent described in s.4(b) and s.5(b) of the *Mackenzie Valley Land Use Regulations* (MVLUR); and
- 2) The City regulates the use of land within its boundaries to the extent that its General Plan By-law No. 4315 and its Zoning By-law No. 4404, as amended from time to time, allow.

This means that the City will continue to issue Development Permits to the extent its by-laws allow, and because the definition of "development" in the City's Zoning By-law is so broad, it can also issue Development Permits for those activities that require a Type A and Type B Land Use Permit as required under the MVLUR.

In addition to the Development Permits issued by the City, the Board will regulate the environmental impacts of developments in the City through the issuance of Land Use Permits in accordance with s.4(b) and s.5(b) of the MVLUR.

If the City chooses at some time in the future to amend its Community Plan and Zoning By-laws to incorporate tools that would mitigate environmental impacts to the extent contemplated in the MVLUR, then we would be pleased to revisit this determination and make a new one if warranted.

If the City has any questions or would like to discuss the determination further, please contact Ms. Beverly Chamberlin, Director, Lands Administration, Municipal and Community Affairs at (867) 920-6284, or Mr. Zabey Nevitt, Executive Director, Mackenzie Valley Land and Water Board, at (867) 766-7457.

Sincerely,



Mr. Willard Hagen
Chair
Mackenzie Valley Land and Water Board



Robert C. McLeod
Minister
Municipal and Community Affairs

Attachment

c. See Attached

Honourable J. Michael Miltenberger
Minister
Environment and Natural Resources

Ms. Trish Merrithew-Mercredi
Regional Director General
Aboriginal Affairs and Northern Development Canada

Mr. Mike Aumond
Deputy Minister
Municipal and Community Affairs

Mr. Gary Bohnet
Deputy Minister
Environment and Natural Resources

Mr. Larry Wallace
Chair
Sahtu Land and Water Board

Mr. Paul Sullivan
Chair
Gwich'in Land and Water Board

Ms. Violet Camsell-Blondin
Chair
Wek'eezhii Land and Water Board



**JOINT DETERMINATION MADE PURSUANT TO
SECTION 98 OF THE *MACKENZIE VALLEY RESOURCE MANAGEMENT ACT*
FOR THE CITY OF YELLOWKNIFE**

WHEREAS the *Mackenzie Valley Resource Management Act* (Canada) (MVRMA) came into force in December 1998 and Part 4 of the MVRMA was called into force April 1, 2000;

AND WHEREAS s.98 of the MVRMA provides as follows:

- 98 (1) This Part does not apply in respect of the use of land within the boundaries of a local government to the extent that the local government regulates that use.
- 98 (2) The Board and the territorial Minister shall, in consultation with each local government, jointly determine the extent to which the local government regulates the use of land within its boundaries for the purposes of subsection (1).
- 98 (3) A determination made under subsection (2) shall be made available to the public at the main office of the Board and that of the local government.

AND WHEREAS the incorporated municipality of the City of Yellowknife, established under the *Cities, Towns and Villages Act* (NWT) is a "local government" as defined in the MVRMA;

AND WHEREAS the Board and the territorial Minister have consulted with the City of Yellowknife.

AND WHEREAS this instrument sets out, for lands within the boundaries of the City of Yellowknife, a joint determination within the meaning of subsection 98(2) of the MVRMA.

NOWHEREFORE the Board and the territorial Minister, in consultation with the City of Yellowknife, have determined the following:

1. The City of Yellowknife regulates the use of land within its boundaries to the extent that the City of Yellowknife's General Plan By-law No. 4315 and its Zoning By-law No. 4404, as amended from time-to-time allow.

2. The Mackenzie Valley Land and Water Board, established under Part 4, s.99 of the MVRMA, regulates the use of land within the boundaries of the City of Yellowknife to the full extent described in s.4(b) and s.5(b) of the *Mackenzie Valley Land Use Regulations*, made under the MVRMA which provide as follows:

4 No person shall, without a Type A permit, carry on any activity that involves:

(b) on land within or outside the boundaries of a local government,

- (i) The use of power-driven earth drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps and other ancillary equipment, equals or exceeds 2.5 t, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of the local government;
- (ii) The use of a campsite outside a territorial park for a duration of or exceeding 400 person-days;
- (iii) The establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 litres; or
- (iv) The use of a stationary power-driven machine, other than a power saw for hydraulic prospecting, moving earth or clearing land.

5 No person shall, without a Type B permit, carry on any activity that involves:


(b) on land within or outside the boundaries of a local government,

- (i) The use of power-driven earth drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps, and other ancillary equipment, equals or exceeds 500 kg but is less than 2.5 t, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of a local government; or
- (ii) The use of a campsite outside a territorial park for a duration of or exceeding 200 person-days but less than 400 person-days.

THIS DETERMINATION pursuant to subsection 98(2) of the MVRMA made this 18 day of August, 2011, at the City of Yellowknife, in the Northwest Territories.



Mr. Willard Hagen
Chair
Mackenzie Valley Land and Water Board



Honourable Robert C. McLeod
Minister
Municipal and Community Affairs